

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT CURT BRITTON, III,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

12-cv-545-wmc

Plaintiff Robert Britton, III has filed a suit pursuant to 42 U.S.C. § 405(g) for review of a final decision of the Commissioner of Social Security denying plaintiff's application for social security disability benefits. Plaintiff seeks to commence this lawsuit without prepayment of the filing fees and costs or providing security therefor, pursuant to 28 U.S.C. § 1915.

To determine whether a plaintiff qualifies for indigent status, the court uses the following calculation: From plaintiff's annual gross income, the court subtracts \$3700 for each dependent. If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs; if the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs. Substantial assets or debts require individual consideration. From plaintiff's affidavit of indigency, I find that he has a monthly income of \$2,860.80 or an annual income of \$34,329.60. Subtracting \$3,700 for the care of one dependent, brings plaintiff's annual income to \$30,629.60. Plaintiff does not have substantial debts or assets that require consideration. Therefore, I conclude that plaintiff is able to prepay half the fees and costs of commencing this action in the amount of \$175.

Accordingly, IT IS ORDERED that Robert Britton, III's petition for leave to proceed *in forma pauperis* is GRANTED on the condition that he pay half the filing fee, \$175. Plaintiff must pay the filing fee no later than August 31, 2012. If he fails to do so, this action may be dismissed for his failure to prosecute it. Upon receipt of plaintiff's payment, the clerk of court shall issue summonses and forward them to plaintiff's counsel for service.

Entered this 7th day of August, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge